IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3347 OF 2004
IN
APPEAL NO.549 OF 2004
IN
CHAMBER SUMMONS NO.231 OF 2004
IN
SUIT NO.704 OF 1993

M/s.World Wide Management
Consultants Pvt. Ltd. .. Appellant.

V/s.

Mrs.Shanti Gopalkrishnan & Ors. .. Respondents.

Mr.N.G. Thakkar i/b. Ramprakash Pande for the appellant.

Mr.Rishabh Shah i/b. Pramodkumar & Co. for respondent No.1.

Mr.S.R. Mishra for respondent No.2.

Mr.Santosh Deshpande i/b. K.A. Bhatt for respondent Nos.3 and 4.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 24TH NOVEMBER, 2004.

P.C. :

Heard Mr.N.G. Thakkar, the learned senior counsel for the applicant-appellant and Mr.Rishabh Shah, the learned counsel for respondent No.1.

2. At the time we heard the appeal on October 25, 2004, admittedly the appellant was in arrears in

deposit of the royalty. In this view of the matter, we find no justifiable ground for recalling our order dated October 25, 2004.

3. The fact that the deposit has been made by the appellant on October 25, 2004 at 5.30 p.m. with the attorney of respondent No.1 is not disputed by the counsel for respondent No.1. In this background, we grant liberty to the appellant to apply to the learned single judge for appropriate relief in the light of the fact that after the order was passed by us on October 25, 2004 the amount of Rs.3,58,000/- came to be deposited. If such an application is made by the appellant, the learned single judge shall pass an appropriate order after hearing the parties.

4. The notice of motion stands disposed of.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)